

Felony ☒ JUDGE/Assigned Trial  
Minor Offense ☐ MAGISTRATE 8509  
Other Misdemeanor ☐ 1085 4 District Office 1-7-76

U. S. vs. KELLEY, DAVID ROBERT  
Home: 826 Quincy St., Tulsa 74120  
School: Annex 356, Shirk Hall, Pittsburg  
Ks. St. College, Ks. defendant

Case Filed Day, Mo. 08 10  
Yr. 75  
Docket No. 75-CR-142 - 1  
Def. 1  
No. of 1 Defendants

I. CHARGES

U. S. CODE SECTION 26:5861(e), 5861(f) OFFENSES Made & Transferred Unreg. Firearm  
10 yrs &/or \$10,000 ea ct.  
COUNTS 2

MAGR. CASE NO.  
BAIL • RELEASE  
☐ Personal Recog.  
☐ Unsecured Bond  
Denied AMT Conditional Release  
Set (000) \$ 5  
10-8-75 date  
☐ Bail Not Made  
☐ Bail Status Changed  
(See Docket)  
☒ 10% Deposit  
☒ Surety Bond  
☐ Collateral  
☐ 3rd Party Custody  
☐ PSA

ATTORNEYS

U.S. Attorney or Asst. Ben F. Baker, Asst.  
Defense: CJA, ☒ Ret; ☐ Waived, ☐ Self, ☐ None, ☐ Other, ☐ PO, ☐ CD  
Dennis Downing  
Mid-Continent Bldg.  
Tulsa, Ok 74103 = 585-1235

II. KEY INTERVALS & DATES

ARREST 10-23-75 or U.S. Custody Began on Above Charges  
INDICTMENT ☒ Information 10-8-75  
Waived ☐  
Superseding ☐  
Indict/Info ☐  
ARRAIGNMENT 10-29-75  
1st Plea " "  
Final Plea 12-10-75  
Trial Set For ☒ Not Guilty  
☐ Nolo  
☐ Guilty  
☐ Not Guilty  
☐ Nolo  
☒ Guilty  
TRIAL  
Voir Dire ☐  
Trial Began ☐ J  
☐ N  
Trial Ended  
SENTENCE  
Disposition 1-7-76  
☒ Convicted  
☐ Acquitted  
☐ Dismissed  
☐ Nollo/Discontinued\*  
☐ On All Charges  
☒ On Lesser\* Offense(s)  
☐ WOP; ☐ WP\*

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> Waived <input type="checkbox"/> Not Waived <input type="checkbox"/> Intervening Indictment		BOND <input type="checkbox"/> Exonerated <input type="checkbox"/> To Transferee District <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court
	Served					
Arrest Warrant				Tape No.	INITIAL/No.	AT:
COMPLAINT						Magistrate's Initials
OFFENSE (In Complaint)						

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

* Show last names and suffix numbers of other defendants on same indictment/information		V. Excludable Delay			
DATE	PROCEEDINGS	(a)	(b)	(c)	(d)
10-8-75	Record vote of the Grand Jury, filed in Open Court. v				
10-8-75	Indictment, filed in Open Court. (AEB-J)v				
10-24-75	Case set for arraignment & plea on 10-29-75, at 10:00 A.M. (AEB-J)b nts mld				
10-28-75	Appearance Bond in Amt. \$5,000 (cash) filed, w/ Order spec. methods & conditions of release. b				
10-29-75	Case called for arraignment. Deft. present & represented. Govt. represented. Deft acknowledges receipt of indict., is advised of charge & arraigned. Deft. enters plea of NOT GUILTY to Cts. 1 & 2. Deft. given 10 days to file motion & Govt. 5 days to respond. Case to be set on next jury docket. Deft. to remain on present bond. At request of Deft Ct. allows travel from Tulsa to Pittsburg, Ks, to attend college. Probation office to supervise bond. (AEB-J)b				
10-28-75	Waiver of removal hearing dated 10-24-75, filed. b				
10-31	Return on Commissioner's Temp. Commt., fld. Rec'd & executed on 10-23-75 by committing Deft. to Jo. Co. Jail, Olathe, KS. Conditions of release attached. v	2	10-8-75 10-23-75	M	16
10-30	Return on Mag.'s Warrant of Arrest, fld. Returned unexecuted, Ind. issued. 10-8-75. v				

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12-1-75	MO: Case set for jury trial on 1-12-76, 9:30 A.M. (AEB-J) b nts mld				
12-4-75	MO: Case set for change of plea on 12-10-75, at 10:00 A.M. (AEB-J) b nts mld				
12-10-75	Case called for change of plea. Deft. present & represented. Govt. represented. Deft. placed under oath. Deft. w/draws plea of not guilty and enters plea of GUILTY as to Ct. 1 & is adjudged GUILTY as to Ct. 1. Govt. moves for dismissal of Ct. 2. Order of Dismissal signed & filed in open court. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sentence report. Sent. set on 1-7-76, 10:00 A.M. Deft. to stand on present bond. (AEB-J) b				
12-10-75	Order for Dismissal as to Ct. 2, signed & filed. (AEB-J) b				
1-7-76	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced. Judgment & Sentence - David Robert Kelley Imposition of sentence is suspended & Deft. is placed on probation for period of three (3) years, pursuant to YCA, 5010(a). Conditions of probation are that Deft. see Dr. Reed, his psychiatrist once a month until released & avoid assoc. w/criminals. Deft. is allowed to continue school at Ks. St. College Pittsburg, Ks. This court will retain jurisdiction. Bond exonerated. (AEB-J) b				
1-7-76	Judgment & Order of Probation, filed & entered. (AEB-J)				
1-7-76	Two c/c of J & Ord. of Prob. to probation. b				
1-9-76	Order, filed, directing refund of cash bond in amt. of \$5,000 to Ralph Kelley. (AEB-J) k <i>copy to Barrow &amp; cd to Kelley</i>				
2-12	Mag.'s Compl., fld. (Claudine S. Barnes, Mag.) v				
2-7	Order, filed of Discharge from Probation of Deft. Kelley. (AEB-J) b cps by prob.				
2-7	Certificate of Vacation of Conviction, filed. (AEB-J) b cps by prob.				
		(a)	(b)	(c)	(d)
Interval (per Section II)		Start Date	End Date	Ltr. Code	Total Days

## LETTER CODES

For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)

- A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
- B. NARA Examination (28 U.S.C. 2902).
- C. State or Federal trials on other charges.
- D. Interlocutory Appeals.
- E. Hearings on pretrial motions.
- F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
- G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h)(1)(G).
- H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
- I. Prosecution deferred by mutual agreement.
- M. Unavailability of defendant or essential witness.
- N. Period of mental or physical incompetence of defendant to stand trial.
- O. Period of NARA Commitment or Treatment.
- P. Superseding indictment and/or new charges.
- R. Defendant awaiting trial of Co-defendant when no severance has been granted.
- T. Continuances Granted per 3161(h)(8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
- U. Time between guilty plea and plea withdrawal.
- V. Time while moving prisoner from state institutions per transfer/detainer procedure.
- W. Grand Jury indictment extended per 3161(b).
- Y. Any delay excluded by court order for reasons not included above.